

OFFICE OF THE GENERAL COUNSEL

M E M O R A N D U M

TO: Chief, Dockets Branch

FROM: Associate General Counsel, Litigation Division

SUBJECT: Century Communications Corp. and Daniels Cablevision, Inc. v. FCC & USA, No. 93-1294. Filing of a new Petition for Review in the United States Court of Appeals for the District of Columbia Circuit.

DATE: May 11, 1993

Docket No(s). MM Docket No. 92-266.

File No(s).

This is to advise you that on May 4, 1993, Century Communications Corp. and Daniels Cablevision, Inc., filed with the United States Court of Appeals for the District of Columbia Circuit a:

X Section 402(a) Petition for Review
___ Section 402(b) Notice of Appeal

of the following FCC decision: Report and Order, FCC 93-177, released May 3, 1993, by which the Commission adopted regulations governing the terms and conditions pursuant to which cable television operators may offer their communications services to the public.

Due to a change in the Communications Act, it will not be

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

CENTURY COMMUNICATIONS CORP.
and
DANIELS CABLEVISION, INC.,

Petitioners,

v.

FEDERAL COMMUNICATIONS
COMMISSION and UNITED
STATES OF AMERICA,

Respondents.

Case No.

93-1294

Filed: 5/4/93

JOINT PETITION TO REVIEW

Century Communications Corp. and Daniels Cablevision, Inc. ("petitioners"), the owners and operators of multiple cable television systems throughout the United States, pursuant to 47 U.S.C. § 402(a) and 28 U.S.C. § 2344, hereby petition for review of the Report and Order of the Federal Communications Commission ("Commission") in MM Docket 92-266, released May 3, 1993, by which the Commission has adopted regulations governing the terms and conditions pursuant to which cable television operators, including petitioners, may offer their communications and communicative services to the public.^{1/} A true copy of the contested Report and Order is attached hereto.

Venue resides in this Court under 28 U.S.C. § 2343.

^{1/} The instant review may be related to Century Communications Corp. v. F.C.C., Case No. 93-1254, before the Court.

The grounds on which petitioners seek relief are that the subject Report and Order and those regulations adopted thereby:

- 1) Exceed the jurisdiction and authority of the Commission as explicitly limited by the First Amendment to the U.S. Constitution;

- 2) violate the Speech and Press Clause of the First Amendment to the U.S. Constitution by purposefully abridging the constitutionally protected freedoms of petitioners and others;

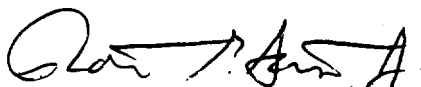
- 3) constitute an unlawful taking of the property of petitioners and others without just compensation in violation of the Due Process Clause of the Fifth Amendment to the U.S. Constitution;

- 4) exceed the statutory jurisdiction of the Commission; and,

- 5) are otherwise arbitrary, capricious and unlawful.

Petitioners pray that the Report and Order and those regulations adopted thereby be declared unlawful, enjoined, vacated and suspended.

Respectfully submitted,



John P. Cole, Jr. (D.C. Bar #24361)

CERTIFICATE OF SERVICE

I, Robert G. Scott, Jr. hereby certify that copies of the foregoing "Petition to Review"* were sent postage prepaid, via United States first-class mail, this 4th day of May 1993, to the following:

Attorney General
U.S. Department of Justice
Ninth & Constitution Ave., N.W.
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